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Federal Deposit Insurance Corporation, as
Receiver for Charter Oak Bank

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
(Sacramento Division)

FEDERAL DEPOSIT INSURANCE)	Case No. 12-CV-01022-LKK-CKD
CORPORATION, as Receiver for CHARTER)	
OAK BANK;)	STIPULATION TO TRANSFER VENUE
)	TO NORTHERN DISTRICT OF
Plaintiff,)	CALIFORNIA; ORDER
)	
v.)	
)	
TIMOTHY A. WILKENS a.k.a. TIM)	
WILKENS, an individual;)	
)	
Defendant.)	

Plaintiff Federal Deposit Insurance Corporation, as Receiver for Charter Oak Bank, Napa, California ("Plaintiff") and defendant Timothy A. Wilkens a.k.a. Tim Wilkens ("Defendant"), by and through their respective undersigned counsel, hereby stipulate, agree, and jointly request that the Court issue its order as follows:

WHEREAS, Plaintiff commenced the instant action by filing a complaint on April 17, 2012, in the United States District Court, Eastern District of California;

WHEREAS, on June 19, 2012, Defendant, having been served with Plaintiff's complaint, filed a motion to dismiss (the "Motion") pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure (the "Federal Rules"), on the basis that venue is improper in the Eastern District of

1 California;

2 WHEREAS, counsel for Plaintiff and Defendant have conferred and agree that,
3 irrespective of whether venue is or is not proper in the Eastern District, venue is proper in the
4 Northern District of California, pursuant to 28 U.S.C. § 1391(b)(2), and this matter should be
5 transferred to the Northern District in lieu of further litigation of the Motion, subject to the terms
6 of this stipulation;

7 THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

8 1. That this matter should be transferred to the Northern District on the following
9 terms and conditions:

10 a. Defendant shall file and serve an answer to Plaintiff's complaint by no
11 later than July 20, 2012, or five (5) court days after the Clerk of the Northern District gives
12 notice that the case has been received and the new case number has been assigned, whichever
13 date is later.

14 b. Defendant waives any defense to Plaintiff's complaint listed in Rule
15 12(b)(2)-(5) of the Federal Rules, to the extent not already waived by operation of Rule
16 12(h)(1)(A).

17 2. That the parties hereby jointly request the Court to issue its order approving and
18 implementing this stipulation upon the filing of this stipulation and the *ex parte* application of
19 any of the parties, without further motion, hearing and/or other proceedings; and

20 3. That the Court's order incorporating or otherwise implementing and consistent
21 with the terms of this stipulation shall be effective immediately upon issuance.

22 **IT IS SO STIPULATED.**

23 Dated: July 12, 2012

SEYFARTH SHAW LLP

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25 By: /s/ Robert J. Wood
Robert J. Wood

26 Attorneys for Plaintiff
27 Federal Deposit Insurance Corporation, as
Receiver for Charter Oak Bank

1 **IT IS SO STIPULATED.**

2 Dated: July 12, 2012

LAW OFFICES OF MICHAEL BROOK

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4 By: /s/ Michael J.M. Brook (as authorized 7/12/12)
Michael J.M. Brook


5 Attorneys for Defendant
6 Timothy A. Wilkens
7

8 **ORDER**

9 The foregoing Stipulation to Transfer Venue to Northern District of California, entered
10 into among plaintiff Federal Deposit Insurance Corporation, as Receiver for Charter Oak Bank,
11 Napa, California, and defendant Timothy A. Wilkens a.k.a. Tim Wilkens, has been submitted to
12 the Court for consideration. The Court, having reviewed and considered the stipulation, and
13 good cause appearing therefor, HEREBY ORDERS that the stipulation is APPROVED on the
14 terms set forth therein. The Clerk is directed to transfer this case to the United States District
15 Court, Northern District of California, forthwith. No further proceedings shall be had in this
16 Court.

17 IT IS SO ORDERED.

18 Dated: July 13, 2012.

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21 LAWRENCE K. KARLTON
22 SENIOR JUDGE
23 UNITED STATES DISTRICT COURT
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